

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:22-CV-00289-M

SEAN B. MAYO,

Plaintiff,

v.

ROCKY MOUNT POLICE DEPARTMENT,  
et al.,

Defendants.

ORDER

This matter comes before the court on the Memorandum and Recommendation of Magistrate Judge Robert T. Numbers, II [DE 113]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Judge Numbers recommends the court to (1) grant Defendant C.S. Craft's motion for summary judgment [DE 89] and (2) grant in part and deny in part the motion for summary judgment [DE 84] filed by Defendants Rocky Mount Community Corrections Judicial Center Probation Department, Kiwana Johnson and Dennis Parris (collectively, the "Probation Defendants"). To date, no objections have been filed.

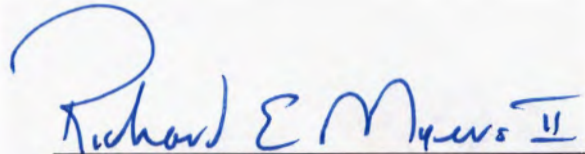
A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond*



v. *Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, the court GRANTS in part and DENIES in part the Probation Defendants' motion for summary judgment [DE 84]. Thus, the court DISMISSES all of Plaintiff's claims against the Probation Defendants, except his illegal detention claim against Dennis Parris in his individual capacity. His illegal detention claim against Dennis Parris shall proceed to trial. Further, the court GRANTS Defendant Craft's motion for summary judgment [DE 89]. The court therefore DISMISSES all of Plaintiff's claims against Craft.

SO ORDERED this 30<sup>th</sup> day of January, 2024.

  
\_\_\_\_\_  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE